### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA Roanoke Division

CAMERON R. FELTS	1
Plaintiff,	 
<b>v.</b>	Civil Action No. 7:17-cv-00297-EKD
VOLVO GROUP NORTH AMERICA, LLC	! !
Defendant.	) 
)	

# VOLVO GROUP NORTH AMERICA, LLC'S MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant, Volvo Group North America, LLC ("Volvo" or "Defendant"), by and through its undersigned counsel, and pursuant to Fed. R. Civ. P. 12(c), files this Motion for Judgment on the Pleadings. Based on the allegations contained in the pleadings and findings of fact set forth in this Court's Memorandum Opinion (ECF No. 51), which are not capable of genuine dispute, Felts is unable to prove that he suffered any damages under Counts I and II and Volvo is entitled to judgment as a matter of law. The grounds in support of Volvo's Motion are set forth in its Memorandum of Law filed contemporaneously herewith.

WHEREFORE, Defendant, Volvo Group North America, LLC respectfully requests that this Honorable Court grant its Motion for Judgment on the Pleadings, dismiss Counts I and II of the Complaint *with prejudice* and award such other and further relief as this Court deems just and proper.

<sup>&</sup>lt;sup>1</sup> Pursuant to Fed. R. Civ. P. 12(d), in the event the Court finds that any of the matters presented in support of this Motion are outside the scope of the pleadings and any judicially noted facts, Volvo respectfully moves for summary judgment pursuant to Fed. R. Civ. P. 56 on Counts I and II of the Complaint. The findings of fact set forth in the Court's Memorandum Opinion are not capable of genuine dispute and as a result Volvo is entitled to judgment as a matter of law on Counts I and II due to Felts' inability to prove that he has suffered any damages.

Dated: May 31, 2018 Respectfully submitted,

# **VOLVO GROUP NORTH AMERICA, LLC By Counsel**

#### MILES & STOCKBRIDGE P.C.

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31st day of May, 2018, a copy of the foregoing was electronically filed with the Court and served via the Court's ECF filing system on the following:

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